

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JAMES E. MWAIPUNGU,	)	
	)	
Plaintiff,	)	
	)	Case No. 4:14-cv-1996-JAR
v.	)	
	)	
LORETTA E. LYNCH,	)	
U.S. Attorney General,	)	
	)	
Defendant.	)	
	)	
_____	)	

**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

This matter came to this Court from the U.S. Court of Appeals for the Eighth Circuit pursuant to a 8 U.S.C. § 1252(b)(5) transfer with a request that this Court make a determination on Plaintiff’s claim that he is a United States citizen by virtue of his birth in the United States. *See* Order of Transfer, *Mwaipungu v. Holder* (8th Cir. Case No. 14-2214). After full discovery in this matter, Defendant submits that there is not a genuine issue of material fact as to Plaintiff’s birth – Plaintiff’s birth occurred in the United Republic of Tanzania (hereinafter “Tanzania”) – and summary judgment in favor of Defendant is appropriate. Accordingly, Defendant herein moves for summary judgment pursuant to Fed. R. Civ. P. 56, and requests that this Court find that Plaintiff’s place of birth was Tanzania, and not the United States.

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A supporting Memorandum of Law and Statement of Uncontroverted Material Facts accompany this motion.

Dated: May 12, 2015

Respectfully submitted,

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Principal Deputy Assistant Attorney General  
Civil Division

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*/s Victor M. Lawrence*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of May 2015, I served the foregoing on Plaintiff's lead counsel of record via electronic mail to the following address:

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